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09/763,775	02/26/2001		10910/3	6334

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EXAMINER

WOO, RICHARD SUKYOON

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,775

Applicant(s)

TSUTSUI

Examiner

Richard Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1) The drawings are objected to because they are illustrated in Japanese. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3) Claims 9-15, 17, 27, 30, and 33-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 9, line 4, the recitation of "can" renders the claim indefinite because it is not clear whether the user actually uses in a predetermined period or not.

Claims 10-15, 17, 30, 33 suffer the identical indefiniteness as cited above.

In Claim 27, line 8, the recitation of "the cellular phone 10" lacks antecedent basis.

In Claim 34, lines 16-17, the recitation of "the provider information table" lacks antecedent basis.

Claim Rejections - 35 USC § 102

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5) Claims 1-39, as far as Claims 9-15, 17, 27, 30, and 33-39 are definite, are rejected under 35 U.S.C. 102(e) as being anticipated by Korpela (US 6,311,054).

W.R.T. Claim 1:

Korpela discloses a system comprising:

a user information table for storing information regarding a user of each radio portable terminal (see Figs. and the entirety of the disclosure);

a provider information table for storing information regarding a provider of each application (see Id.);

a payment-status management table for managing the status of payment of a predetermined usage fee (see Id.);

a detection section for detecting the status of usage of each application (see Figs. and the entirety of the disclosure);

a usage-status management table for storing the usage status (see Id.); and

a computation section for calculating and outputting a license fee to be paid for each provider stored in the provider information table, on the basis of a ground total of usage fees made by the payment-status management table and the usage status (see *Id.*).

W.R.T. Claim 2: Korpela further discloses the system, wherein the detection section detects the application usage status on an application-by –application basis, and the usage-status management table stores the application usage status on an application-by-application basis; and the computation section includes:

an allotting section for allotting a portion of the ground total usage fees made by the payment-status management table, as a ground total of license fees to be paid to the providers; and

a distribution section for distributing and outputting, from the allotted ground total of license fess, a license fee to be paid for the provider of each application, in accordance with the usage status (see Figs. and the entirety of the disclosure);

W.R.T. Claim 3: Korpela further discloses the system, wherein the detection section detects the application usage status on an application-by –application basis, and the usage-status management table stores the application usage status on an application-by-application basis; and the computation section includes:

an allotting section for allotting a portion of the ground total usage fees made by the payment-status management table, as a ground total of license fees to be paid to the providers;

a distribution section for distributing and outputting, from the allotted ground total of license fess, a license fee to be paid for the provider of each application, in accordance with the usage status; and

a calculation section for summing provider by provider the license fees distributed and output with respect to all the users (see Figs. and the entirety of the disclosure);

W.R.T. Claim 4: Korpela further discloses the system, wherein the detection section counts a download count of the application in a predetermined period, and the usage-status management table stores the counted download count as a usage status; and the computation section calculates the license fee on the basis of the download count (see Figs. and the entirety of the disclosure);

W.R.T. Claim 5: Korpela further discloses the system, wherein the detection section detects an execution time of the application on the terminal, and the usage-status management table stores the detected execution time as a usage status; and the computation section calculates the license fee on the basis of the execution time (see Supra);

W.R.T. Claim 6: Korpela further discloses the system, wherein the detection section regards as the execution time a difference between a time of receipt from the terminal of a notification indicating start of the application and a time of receipt from the terminal of a notification indicating end of the application (see Figs. and the entirety of the disclosure);

W.R.T. Claim 7: Korpela further discloses the system, wherein the detection section detects an activation count of the application on the terminal, and the usage-status management table stores the detected activation count as a usage status; and the computation section calculates the license fee on the basis of the activation count (see Figs. and the entirety of the disclosure);

W.R.T. Claim 8: Korpela further discloses the system, wherein the detection section counts point number with which the user voted for the application, and the usage-status management table stores the counted point number as a usage status; and the computation section calculates the license fee on the basis of the point number;

W.R.T. Claim 9: Korpela further discloses the system, wherein an upper limit is provided for points that the user uses in a predetermined period, and an invalidating section is provided in order to invalidate a portion of the points exceeding the upper limit ;

W.R.T. Claim 10: Korpela further discloses the system, wherein a grasping section for grasping an application for which the user performs point voting; and a provision section for providing an ID of the grasped application to a predetermined terminal in response to the user request (see Id.);

W.R.T. Claim 11: Korpela further discloses the system, wherein the grasping section grasps, as the application for which the user performs point voting, an application which was downloaded by the user in a predetermined period;

W.R.T. Claim 12: Korpela further discloses the system, wherein the grasping section grasps, as the application for which the user performs point voting, an application which was activated by the user in a predetermined period;

W.R.T. Claim 13: Korpela further discloses the system, wherein the grasping section grasps, as the application for which the user performs point voting, an application for which the user performed point voting in a predetermined period (see Figs. and the entirety of the disclosure);

W.R.T. Claim 14: Korpela further discloses the system, wherein the detection section detects the usage status through receipt of a point number with which the user voted for each application in a predetermined period; and a judgment section is provided which judges that the user performs point voting for the application only when points contained in the received point number are for an application which was downloaded by the user in a predetermined point-input effective period (see Figs. and the entirety of the disclosure);

W.R.T. Claim 15: Korpela further discloses the system, further including:

- a selection section for forcing the user to select an application;
- a judgment section for judging on a user-by-user basis whether the user performs point voting for the selected application; and
- an error transmission section (see Figs. and the entirety of the disclosure);

W.R.T. Claim 16: Korpela further discloses the system, wherein the detection section detects at least two among the group having: a download count of the application in a predetermined period, an activation count of the application on the terminal, an execution time of the application on the terminal, and a point number; the usage-status management table stores as parameters at least two detection values; and the computation section calculates the license fee on the basis of a predetermined

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calculation formula combined with the at least two parameters (see Figs. and the entirety of the disclosure);

W.R.T. Claim 17: Korpela further discloses the system including:

a communication section for performing data communication with an internet terminal; and

a search/output section for searching the application in response to the request (see Figs. and the entirety of the disclosure);

W.R.T. Claim 18: Korpela further discloses the system including a mail transmission section;

W.R.T. Claim 19: Korpela further discloses the system including a screen generation section;

W.R.T. Claim 20: Korpela further discloses the system including a payable amount output section;

W.R.T. Claim 21: Korpela further discloses the system, wherein the payable amount output section includes:

a totaling section for totaling the license fees; and

an output section for outputting the totaled license fees as a payable license fee;

W.R.T. Claim 22: Korpela further discloses the system, wherein the payment status of each user is stored in the respective table (see Figs. and the entirety of the disclosure);

W.R.T. Claim 23: Korpela further discloses the system, wherein a total of usage fees paid by each user is stored in the payment-status management table;

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W.R.T. Claim 24: Korpela further discloses the system, wherein the usage fee is constant among all users (see Figs. and the entirety of the disclosure);

W.R.T. Claim 25: Korpela further discloses the system, wherein the usage fee is constant within each of user groups into which users are classified in accordance with predetermined criteria (see Id.);

W.R.T. Claim 26: Korpela further discloses the system, wherein the detection section counts a download count of the application; and a prohibition control section prohibits a user to download the application over a predetermined upper limit;

W.R.T. Claim 27: Korpela further discloses the system, wherein the detection section detects an execution time of the application; and a prohibition control section prohibits a user to download the application over a predetermined upper limit;

W.R.T. Claim 28: Korpela further discloses the system, wherein the detection section counts an activation count of the application; and a prohibition control section prohibits a user to download the application over a predetermined upper limit (see Figs. and the entirety of the disclosure);

W.R.T. Claim 29: Korpela further discloses the system, wherein the application includes a program for displaying on the terminal a point input interface for enabling the user to perform point voting; and the detection section detects the usage status by receiving via the Internet a point number (see Figs. and the entirety of the disclosure);

W.R.T. Claim 30: Korpela further discloses the system, wherein the detection section detects the usage status through receipt of a point number with which the user voted for

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each application in a predetermined period; and a judgment section is provided which judges that the user performs point voting for the application;

W.R.T. Claim 31: Korpela further discloses the system including:

- a server application storage section;

- a common database commonly accessed by the plurality of server application;

and

- a limiting section for limiting an accessible table area of the common database for each server application (see Figs. and the entirety of the disclosure);

W.R.T. Claim 32: Korpela further discloses the system including:

- a server application storage section;

- a common database commonly accessed by the plurality of server application;

and

- a limiting section for limiting an accessible table area of the common database for each application provider (see Figs. and the entirety of the disclosure);

W.R.T. Claim 33: Korpela further discloses the system including:

- a server application storage section; and

- a common process interface which accesses data stored in the user information table, wherein the server application accesses the user information table (see Figs. and the entirety of the disclosure).

W.R.T. Claim 34:

Korpela discloses a method comprising the steps of:

storing the status of payment of a predetermined usage fee which the user of each terminal pays for a predetermined period (see Figs. and the entirety of the disclosure);

detecting the status of usage of the application;

storing the detected usage status; and

calculating a license fee to be paid for each provider stored in a provider information table, on the basis of the stored ground total of usage fees and the stored usage status and for outputting the license fee (see Supra).

W.R.T. Claim 35: Korpela further discloses the method, wherein the step of detecting detects the application usage status on an application-by-application basis; the step of storing stores the application usage status on an application-by-application basis; and

the step of calculating includes:

a step for allotting a portion of the stored ground total of usage fees as a ground total of license fees to be paid to the providers; and

a step for distributing and outputting, from the allotted ground total of license fees, a license fee to be paid for the provider of each application, in accordance with the stored usage status (see Figs. and the entirety of the disclosure);

W.R.T. Claim 36: Korpela further discloses the method, wherein the step of detecting detects the application usage status on an application-by-application basis; the step of storing stores the application usage status on an application-by-application basis; and

the step of calculating includes:

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a step for allotting a portion of the usage fees paid by the user as a license fee;
a step for distributing and outputting, from the allotted license fee, in accordance with the stored usage status; and

a step of summing provider by provider the license fees distributed and output with respect to all the users in order to obtain a license fee to be paid to each provider (see Figs. and the entirety of the disclosure);

W.R.T. Claims 37-39: Korpela discloses the medium to perform the method claims 34-36, respectively.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,546,002 is cited to show a system and method for using a mobile interface agent to dynamically access programs, applications, bookmarked URLs, IP address, telephone numbers, and the like that are specific to a user via any computer type device. The mobile interface agent can be accessible using any computer from any location. The system relates to a per user based licensing model that allows the users to remotely access and use computer program.

US 6,415,156 is cited to show a transaction method for ordering goods or services by mobile telephone, an order for delivery being transmitted to the service provider via a mobile radio network.

WO 97/26739 is cited to show a packet radio system being implemented by employing the radio interface of the mobile communication network. The packet radio system comprises packet radio support nodes (SGSN) connected to the mobile communication network, as well as gateway support nodes for providing an inter-connection to an external packet data network. The serving support nodes and the gateway support nodes collect charging information on usage of the radio interface and the data network, respectively. The system is further provided with a billing gateway support node (BGGSN) connected to the internal backbone network (BGGSN) to receive user-specific charging information collected by the other support nodes, and to forward the charging information to a charging system.

US 6,499,035 is cited to show the licensing of Java objects wherein a computerized system including a Java object, a license file, and a license manager. The license file is in associated with the Java object. The license manager validates the Java object, based on the licensed file.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for

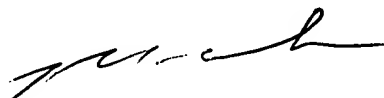
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the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo
Patent Examiner
GAU 3629
March 21, 2004



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600